

CITY COUNCIL, CITY OF LODI
CITY HALL COUNCIL CHAMBERS
OCTOBER 4, 1972

A regular meeting of the City Council of the City of Lodi was held beginning at 8:00 P.M. on Wednesday, October 4, 1972, in the City Hall Council Chambers.

ROLL CALL

Present: Councilmen - HUGHES, KATNICH,
PINKERTON, SCHAFFER
and EHRHARDT (Mayor)

Absent: Councilmen - None

Also present: City Manager Graves, Assistant City Manager Peterson, City Attorney Mullen, Planning Director Schroeder and Public Works Director Jones.

INVOCATION

The invocation was given by Mayor Ehrhardt.

PLEDGE

Mayor Ehrhardt led the Pledge of Allegiance to the flag.

MINUTES

On motion of Councilman Schaffer, Hughes second, the Minutes of September 6, 1972, were approved as written and mailed.

On motion of Councilman Pinkerton, Katnich second, the Minutes of September 13, 1972, were approved as written and mailed.

PROCLAMATION

Mayor Ehrhardt proclaimed the month of October, 1972, as "United Crusade Month" in the City of Lodi and urged all citizens to join in support of the United Crusade campaign. He presented the proclamation to Mrs. Kathy McCarren who was in the audience.

PUBLIC HEARINGS

DAY CARE
HOMES

ORD. NO. 985
INTRODUCED

Notice thereof having been published in accordance with law and affidavit of publication being on file in the office of the City Clerk, Mayor Ehrhardt called for the public hearing on the recommendation of the Planning Commission to approve the request of Mr. Cleveland Edwards on behalf of the San Joaquin County Department of Public Assistance to amend the Zoning Ordinance to permit Day Care and 24-Hour Foster Care Homes in areas zoned R-1, Single-Family Residential; R-2, Single-Family Residential and R-LD, Low Density Multiple-Family Residential, subject to the approval of the Planning Department. The proposed uses are defined as follows:

1. Family Care Homes - Children. Family homes, non-institutional in character, which provide day care only with or without compensation for:
 - a. Not more than five children, including the family day care mother's own children, when the age range is infancy through six.

Minutes of October 4, 1972, continued

- b. Not more than six children, when the age range is three through sixteen including the family day care mother's own children.
- 2. 24-Hour Foster Care Homes. A family home, non-institutional in character, which provides 24-hour care, with or without compensation, for not more than six children under sixteen years of age, including children of the foster family under sixteen years.

Planning Director Schroeder introduced the matter and reviewed the recommendation of the Planning Commission. He said at present the Zoning Ordinance makes no reference to the above defined uses except as they might be defined as a nursery school (for day care) or as a boarding house (for foster home care). He said if the amendments are approved, the Staff would have direction from the City Council where none presently exists, and the Zoning Ordinance would then contain the same language as other state and local laws concerned with foster homes and day care facilities.

The following persons spoke in favor of the proposed amendment to the Zoning Ordinance:

- 1. Mr. Bill Goodman representing Department of Public Assistance, Child Welfare Division, San Joaquin County.
- 2. Mr. Roy Tanabe, Department of Public Assistance, San Joaquin County.

Speaking in opposition to the proposal were the following persons:

- 1. Mrs. Teresa Harris, 309 West Chestnut Street. Mrs. Harris questioned the necessity of establishing the maximum number of children to be allowed in the home during the day.
- 2. Mrs. Donna Lind, 518 West Turner Road. Mrs. Lind said she felt it should be left to the parents to determine who is capable of caring for their children.

There being no others in the audience wishing to speak on the matter, the public portion of the hearing was closed.

After some discussion, Councilman Schaffer moved introduction of Ordinance No. 985 amending the Zoning Ordinance to permit Day Care and 24-Hour Foster Care Homes in areas zoned R-1, Single-Family Residential; R-2, Single-Family Residential and R-LD, Low Density Multiple-Family Residential, subject to the approval of the Planning Department.

Minutes of October 4, 1972, continued

The motion was seconded by Councilman Katnich and carried by the following roll call vote:

Ayes: Councilmen - Hughes, Katnich,
Schaffer and Ehrhardt

Noes: Councilmen - Pinkerton

REQUEST OF
CENTURY
ARMS, INC.

ORD. NO. 986
INTRODUCED

Notice thereof having been published in accordance with law and affidavit of publication being on file in the office of the City Clerk, Mayor Ehrhardt called for the public hearing on the recommendation of the Planning Commission to approve the request of Century Arms, Inc. by Reverend Harold Duncan to increase the allowable residential density of Parcel G-1 of English Oaks Manor from 12.8 to 15 units per acre.

Planning Director Schroeder introduced the matter, and discussed the basis for the Planning Commission's recommendation. He said that an increase of approximately 11 dwelling units on Parcel G-1 would not affect the over-all density of the English Oaks development.

There being no one in the audience wishing to speak on the matter, the public portion of the hearing was closed.

After discussion, on motion of Councilman Schaffer, Katnich second, the Council introduced Ordinance No. 986 approving the request of Century Arms, Inc. to increase the allowable residential density of Parcel G-1 of English Oaks Manor from 12.8 to 15 units per acre.

D. WEBB -
APPEAL
DENIED

Notice thereof having been published in accordance with law and affidavit of publication being on file in the office of the City Clerk, Mayor Ehrhardt called for the public hearing on Mr. Donald Webb's appeal of the Planning Commission's denial of his request for a Variance to increase the maximum permitted fence height from 42 inches to 72 inches to permit the erection of a 6-foot fence on the street side yard property at 1129 South Church Street.

Planning Director Schroeder introduced the matter and presented a drawing of Mr. Webb's property. He said the Planning Commission had determined that a "Zoning Hardship" as defined in Section 27-15(b) of the Lodi City Code did not exist and noted the following:

1. A 6-foot fence located in the required street side yard area would create a hazard for pedestrians at the point where the fence would meet the existing driveway.
2. A 6-foot fence could be erected ten feet from the side street property line in a conforming location.

Minutes of October 4, 1972, continued

The appellant, Mr. Donald Webb, 1129 South Church Street, spoke in favor of his appeal.

There being no other persons in the audience wishing to speak either in favor of or in opposition to the appeal, the public portion of the hearing was closed.

After some discussion, the Council unanimously denied the appeal on motion of Councilman Hughes, Pinkerton second.

PLANNING COMMISSION

The City Manager gave the following report of the Planning Commission meeting of September 25, 1972:

ACTIONS OF INTEREST

1. Denied the request of Angello-Vitiello, Associates for the rezoning of the north side of East Elm Street between North Main Street and North Stockton Street (i.e., former site Valley Lumber Company's yard) from the M-1, Light Industrial District to the R-HD, High Density Multiple-Family Residential District.
2. Recommended to the San Joaquin County Board of Zoning Adjustment the approval of the request of Happyholme Farms, Inc. by Mr. George Emde, Jr., for a Use Permit for a livestock feed mill addition and warehouse on the west side of Lower Sacramento Road, approximately 2000 feet south of Kettleman Lane in an area zoned I-PA, Interim-Protective Agricultural.

COMMUNICATIONS

ABC LICENSE

Applications for alcoholic beverage license were received as follows:

1. William H. Farren, 212 West Kettleman Lane, on-sale beer, person-to-person transfer.
2. Sze-Tsun Liang and Chih Che Wu, Turnage Market, 201 West Pine Street, off-sale beer and wine, new license.
3. Antonino Sirchia, Peirano's Market, 117-21 East Pine Street, off-sale beer and wine, person-to-person transfer.

PUBLIC HEARING - WATER WELLS

The City Clerk read a notice of public hearing on construction, maintenance, abandonment and destruction standards for water wells and cathodic protection wells in San Joaquin County. The California Regional Water Quality Control Board, Central Valley Region, will hold the hearing on October 27, 1972, in the Stockton City Council Chambers. The Council instructed the staff to have a representative present at the meeting.

Minutes of October 4, 1972, continued

JUNIOR
ACHIEVEMENT

A letter was received from Dr. C. Robert Breckenridge, President of the Junior Achievement of Lodi, Inc., requesting permission for the Junior Achievement to use the Maple Square Fire House located at the south-east corner of Lodi Avenue and South Sacramento Street. On motion of Councilman Hughes, Pinkerton second, the Council approved the request on a month-to-month basis; Junior Achievement to pay \$30 per month rental, plus utilities.

APPRECIATION

A letter was received from Mr. Gary Cadish, Director of Marketing, Jerry Warner & Associates, 8615 Santa Monica Boulevard, Los Angeles. The letter expressed appreciation to the Tokay Players and the citizens of Lodi for courtesies extended during the filming of a training film at the A & W in September.

CITY OF
ANTIOCH -
RE BRIDGE

A letter was received from Mayor James W. Calvin, City of Antioch, requesting the Council to adopt a resolution requesting the Federal Highway Administration to include the construction of new Antioch Bridge under the Bridge Replacement Program of the Federal Highway Act of 1970. No action was taken at this time.

APA
COMMITTEE
APPOINTMENTS

A letter was received from Mr. Peter D. Verdoorn, Executive Director of the Cities and County of San Joaquin Advisory Planning Association. The letter stated that the Advisory Planning Association had approved a proposal to maintain the Environmental Quality Study Citizens Committee as a permanent part of the Association's organizational structure and requested the Council to reappoint its representatives to the committee.

Mayor Ehrhardt recommended that Mrs. Esther Lund, Mr. Jack Fiori, Mr. Robert W. Schulenberg and Mr. Thomas Griffin be reappointed to the committee. On motion of Councilman Schaffer, Pinkerton second, the Council concurred in the above appointments.

OUTSIDE
WATER
REQUESTS
APPROVED

The City Clerk presented requests received from Mr. William S. Kagawa, who owns property at 16006 North Willow Avenue, and Mr. Tadashi Wada, who owns property at 5952 East Pine Street, requesting permission for temporary connection to the City's water system. In accordance with the City ordinance, the charge for the service outside the City limits would be one and one-half times the City's water rates. Councilman Schaffer moved the requests be approved subject to (1) execution of the City's standard agreement, (2) approval of that agreement by the City Attorney, and (3) said agreement to be recorded with the County Recorder. The motion was seconded by Councilman Katnich and carried.

COMPLAINT -

Councilman Katnich commented on a letter recently received by the Council from a citizen who was concerned because his son had received a traffic citation for jaywalking at the intersection of Pacific Avenue and Elm Street.

Minutes of October 4, 1972, continued

REPORTS OF THE CITY MANAGER

CLAIMS

Claims in the amount of \$544,632.32 were approved on motion of Councilman Schaffer, Pinkerton second.

PLANS - ENGLISH OAKS COMMONS APPROVED

The revised plans for English Oaks Commons prepared by the Spink Corporation were presented for review at the Council meeting of September 20, 1972. At that time the discussion of the plans was continued to this meeting. The City Manager requested Public Works Director Jones to review the plans. Mr. Jones presented the plans and explained the changes requested by the developer, Mr. Victor Meyer.

Mr. Victor Meyer, 221 W. Oak Street, who was in the audience, said he was concerned about the possible noise which might be created by spectators at the proposed baseball diamond. The Council discussed the proposed diamond and agreed that only a backstop would be erected to designate the diamond since they wished this portion of the park to remain an open area for other activities. Mr. Meyer agreed with this concept. On motion of Councilman Katnich, Hughes second, the Council then approved the plans as presented.

RECESS

At approximately 10:00 P.M. the Mayor declared a five-minute recess. The Council reconvened at 10:06 P.M.

PLANS - RIFLE RANGE

City Manager Graves said that proposed plans for the rifle range were not ready for final approval. This matter was discussed at the meeting of September 20, 1972, and was at that time continued for further discussion. The City Manager said the American Legion had expressed interest in a rifle range being established in the City that would be available for their program but did not expect it to be for their exclusive use. He said the range would be available for use by the public if it is constructed. He recommended the details concerning operation of the range be worked out prior to Council action on the matter. The Council continued discussion of the matter to the next regular meeting, on motion of Councilman Schaffer, Katnich second.

CLASS SPECS - EQUIP. & BLDG. MAINT. SUPVR. RES. NO. 3681

On motion of Councilman Pinkerton, Katnich second, the Council adopted Resolution No. 3681 approving class specifications and salary range for the position of Equipment and Building Maintenance Supervisor as recommended by the City Manager.

CLASS SPECS - ELECTRICIAN RES. NO. 3682

On motion of Councilman Katnich, Schaffer second, the Council adopted Resolution No. 3682 approving class specifications and salary range for the position of Electrician.

WAGE SCALE - BUILDING AND CONSTRUCTION RES. NO. 3683

Councilman Katnich moved adoption of Resolution No. 3683 adopting prevailing wage rates per diem wages as provided by Section 1770 of the State Labor Code. The motion was seconded by Councilman Schaffer and carried by unanimous vote.

Minutes of October 4, 1972, continued

WITHDRAW
GOEHRING
ADDN FROM
WRCFPD

RES. NO. 3684

The City Manager stated that annexation of the Goehring Addition had been completed and the Addition should now be withdrawn from the Woodbridge Rural County Fire Protection District. Councilman Schaffer moved the adoption of Resolution No. 3684 withdrawing the Addition from the Woodbridge Rural County Fire Protection District. The motion was seconded by Councilman Katnich and carried by unanimous vote.

SANITARY LANDFILL-
FEES ESTABLISHED

ORD. NO. 987
INTRODUCED

City Manager presented a report prepared by the Public Works Director concerning a vehicle count conducted at the Harney Lane Sanitary Landfill. He said the report indicated an average of 500 private vehicles per day using the landfill. If a charge of \$1.00 per car was levied, the income would be \$500 per day or approximately \$182,500 per year. The report suggested there would probably be a drop off in vehicles going to the landfill if a fee is established, but even with a third drop off the revenue would still exceed \$120,000. City Manager Graves recommended the \$1.00 per car fee be established and the charge for commercial hauling be changed to \$1.00 for the first two cubic yards of contents. City Attorney Mullen told the Council he had advised the San Joaquin County Counsel's office that the City Council was contemplating taking this action.

City Manager Graves discussed a proposal received from Easley & Brassy Corporation, a firm in San Francisco who is interested in operating the sanitary landfill in conjunction with the Sanitary City Disposal Company.

After some discussion, Councilman Katnich moved the introduction of Ordinance No. 987 providing that a charge of \$1.00 per vehicle shall be made to all persons desiring to use the waste disposal grounds and which persons are not now charged a fee, and the fee for commercial hauling of waste materials shall be \$1.00 for the first two cubic yards of contents. The motion was seconded by Councilman Hughes and carried by unanimous vote.

SPECS - TWO
AUTOMOBILES

On motion of Councilman Schaffer, Katnich second, the Council approved specifications for two compact automobiles for the Utilities Department and authorized advertising for bids thereon.

PLANS & SPECS -
A-2 BASIN

On motion of Councilman Katnich, Schaffer second, the Council approved plans and specifications for the pump station and structures at A-2 Basin and authorized advertising for bids thereon.

PG&E RATE
INCREASE
OPPOSED

City Manager Graves reported to the Council that representatives of Pacific Gas and Electric Company had recently contacted the City staff to inform them that the Company had filed an application with the United States Federal Power Commission for a 22% increase in wholesale electric rates. Mr. Graves estimated

Minutes of October 4, 1972, continued

the increase would cost the City of Lodi approximately \$284,000 per year. He said he would be attending a meeting of the Northern California Power Agency member cities on Thursday, October 5, to discuss the requested increase and he asked for Council direction. He suggested the City should join with other NCPA member cities to oppose the increase.

Councilman Hughes gave a background of the Northern California Power Agency and its activities and urged the Council to go on record as opposing the rate increase. He then moved the City of Lodi join with other NCPA member cities in opposing the rate increase with whatever means seems reasonable to get the necessary justification and offset a portion of the increase. The motion was seconded by Councilman Katnich and carried by unanimous vote.

BASIN C-1
LAND
ACQUISITION
APPROVED

The City Manager recommended the Council approve purchase of an approximate ten-acre parcel from the Lodi Unified School District. He explained that this parcel is adjacent to Basin C-1 and the School District has recently advertised for bids for the sale of the property. By a previous agreement, the City has used this property as a ponding area and the agreement provides that if the property is to be sold, the City has the first option to purchase it. On motion of Councilman Hughes, Schaffer second, the Council authorized the staff to initiate negotiations for the purchase of the 10 1/2 acres adjacent to Basin C-1, with purchase price not to exceed \$4,000 per acre.

BLDG PERMIT
MORATORIUM

The City Manager reported that in a recent decision in the Friends of Mammoth v. Mono County, et al the California Supreme Court held that the California Environmental Quality Act of 1970 applies to "private activities for which a permit, lease or other similar entitlement is required." He explained that this meant that not only the activities of a public entity, but also private activities for which a building permit, subdivision approval, or conditional use permit would require an environmental impact report, prior to issuance of a building permit.

Mr. Graves said the City and County staffs had been working together on this, and he hoped to gain further knowledge on the subject while attending the Annual League of California Cities Conference in Anaheim this month. He recommended a 30-day moratorium be declared on the issuance of building permits and approval of Final Subdivision Maps pending approval of guidelines for the filing of Environmental Impact Reports.

Mr. Victor Meyer, 221 West Oak Street, who was in the audience and representing Sanborn Chevrolet, requested the Sanborn Chevrolet project be exempt from any moratorium established at this meeting.

Minutes of October 4, 1972, continued

After considerable Council discussion, on motion of Councilman Katnich, Hughes second, the Council directed the City Manager to declare effective immediately, a 30-day moratorium on the issuance of Building Permits and the approval of Final Subdivision Maps pending the approval of guidelines for the filing of Environmental Impact Reports by private developers. With the exception noted below, the following projects will receive exemptions to the Building Permit moratorium:

a single mobilehome in an approved mobile-home park

a single family residence

a duplex, triple

a triplex

an addition to an established residential use

an accessory building to a non-commercial or non-industrial use

remodeling totally within an existing structure

Exception to the above: Those above projects which by their very location could have a significant effect on the environment, are not exempt from an Environmental Impact Report. These locations are the following: in or bordering on a watercourse; in a flood hazard area and adjacent to a park or recreation area. The Council indicated that a Building Permit could be issued to applicants who could submit an Environmental Impact Report.

ORDINANCES

TIME LIMIT
ON USE
PERMITS

ORD. NO. 984
ADOPTED

ORDINANCE NO. 984, entitled, "AN ORDINANCE AMENDING SECTION 27-15(c) OF THE CODE OF THE CITY OF LODI ENTITLED, "ADJUSTMENTS AND USE PERMITS," AND THEREBY PROVIDING FOR ISSUANCE AND TIME LIMITS ON USE PERMITS," having been introduced at a regular meeting on September 20, 1972, was brought up for passage on motion of Councilman Katnich, Pinkerton second. Second reading was omitted after reading by title, and the ordinance was then passed, adopted and ordered to print by the following vote:

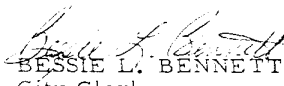
Ayes: Councilmen - Hughes, Katnich, Pinkerton,
Schaffer and Ehrhardt

Noes: Councilmen - None

Absent: Councilmen - None

ADJOURNMENT

There being no further business, the meeting was adjourned at approximately 11:36 p.m.

Attest: 
BESSIE L. BENNETT
City Clerk